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OCT 15 2008

FCC Mail Room

October 13, 2008

Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

CC Docket No. 02-6

Applicant Name: Clark County School District
Applicant BEN: 143411
Application Form 471 Number: 519392
Funding Request Number: 1442837
Service Provider Name: Cox Nevada Telecom, LLC
Service Provider Identification Number: 143017743

Gentlemen:

Clark County School District requests an appeal of the Universal Service Administrative Company (USAC), Schools and Libraries Division (SLD) decision on October 3, 2008 of Form 471 Application Number 519392 for the 2006 funding year.

The decision made by the program compliance representative on a follow-up review stated, "Based on review of documentation that you have provided during recovery review, we have determined that USAC improperly committed and/or disbursed funds for FRN 1442837 because it included ineligible product(s)/service(s). According to program rules USAC is unable to fund ineligible products or services. As a result, USAC must adjust your funding commitment for FRN 1442837 to remove the cost associated with ineligible product(s)/ service(s) and USAC must seek recovery of improperly disbursed funds for FRN 1442837 in the amount associated with ineligible products(s)/service(s) beyond the amount to be adjusted as required by program rules. In order to facilitate commitment adjustment or recovery of improperly disbursed funds process for this FRN(s), the charges associated with ineligible items must be identified. Listed below are the ineligible items and their associated costs: **Dark Fiber supplied by Cox Nevada Telecom, LLC is totally ineligible for funding since the service provider has not provided modulating electronics. As such the full committed amount of \$1,841,272.20 for FRN 1442837 will be rescinded and all disbursed funds will be recovered.**"

The District requests funding for fiber optic cable for its Wide Area Network (WAN), which is consistent with the overall networking plan developed and implemented based on SLD rules and regulations that have been in effect since 2001.

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CC Docket No. 96-45, page 33, (Attachment B) under Dark Fiber (provided by service provider but "lit" by applicant) states, "Service providers can lease fiber capacity that does not include modulating electronics to schools or libraries, if the applicant provides the electronics to modulate the fiber. The lease of such fiber cable for obtaining Telecommunications Services or Internet Access is eligible, if the applicant's electronics are located solely at eligible school or library sites, and if the conditions apply that are described under the heading "Wide Area Networking" in the relevant section."

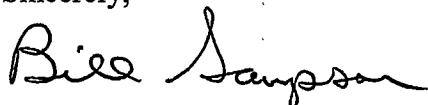
Our request is for continued operation of the sites on the WAN approved by SLD in Funding years 2002 and 2003, as well as new sites added due to the districts growth. We understand that USAC changed its rules regarding Dark Fiber in Funding Year 2004. We are asking that we be granted a "grandfather" provision for the USAC rules and regulations that were in effect, when the Form 470 application was approved and we created the contract with Cox Nevada Telecom, through the life of the contact, Funding Year 2013. The following are points to support our appeal request:

1. USAC allows multi-year contract options which let the district post one Form 470 for the life of the contract created. By granting this exemption, how and should any subsequent USAC changes affect the remainder of the existing contract?
2. Has USAC taken into consideration the state requirements for the contract changes they are requesting?
3. The District has expended over \$40 million of its scarce funds to develop and implement this high bandwidth network to support the telecommunications needs into the foreseeable future. It would be cost prohibitive to modify over 300 locations to comply with the new USAC WAN guideline.
4. The District uses 100% of the leased fiber in its WAN operations.
5. The existing WAN can not function without the leased fiber.
6. The District purchased the modulating equipment since it was the most cost effective option. Had the modulating equipment been leased, the District would have to rely on the vendor for maintenance. The District has experienced the chaos resulting from a nonperforming vendor who left the District without internet access for over two days. It is unacceptable to be without communication services for any length of time.

In summary, the District has shown good faith effort to follow the e-rate guidelines since 1998 and has based its telecommunications procurement decisions on published guidelines, eligibility lists, and prior SLD approvals. To have the regulations changed mid-stream and deny approval, has the potential to cause further financial hardship at a time when operational resources are inadequate.

If you need additional information or have additional questions please contact, Kimberley Dauterive at 5100 W. Sahara Ave., Las Vegas, NV 89146-3406, fax number 702-855-3114, e-mail address kadauterive@interact.ccsd.net or by phone at 702-799-5452 extension 5234.

Sincerely,



Bill Sampson
Budget Director

Attachment A-1

USAC

Universal Service Administrative Company

Schools and Libraries Division

Kimberley Dauterive
Clark County School District
702-799-5452
Application Number's 480320 & 519392

Response Due Date: October 20, 2008

We are currently in the process of doing a follow-up review of Funding Year's 2005 & 2006 form 471 applications 480320 & 519392 for schools and libraries discounts to ensure that it is in compliance with the rules of the Universal Service program. To complete my review I need some additional information. The information needed to complete the review is listed below.

Based on review of documentation that you have provided during recovery review, we have determined that USAC improperly committed and/or disbursed funds for FRN's 1327659 & 1442837 because it included ineligible product(s)/service(s). According to program rules, USAC is unable to fund ineligible products or services. As a result, USAC must adjust your funding commitment for FRN's 1327659 & 1442837 to remove the cost associated with ineligible product(s)/service(s) and USAC must seek recovery of improperly disbursed funds for FRN's 1327659 & 1442837 in the amount associated with ineligible product(s)/service(s) beyond the amount to be adjusted as required by program rules. In order to facilitate commitment adjustment or recovery of improperly disbursed funds process for this FRN(s), the charges associated with ineligible items must be identified. Listed below are the ineligible items and their associated costs:

Dark Fiber supplied by Cox Nevada Telcom, LLC is totally ineligible for funding since the service provider has not provided modulating electronics. As such the full committed amount of \$1,869,956.43 for FRN 1327659 and \$1,841,272.20 for FRN 1442837 will be rescinded and all disbursed funds will be recovered.

Please confirm that you agree with the cost allocation and the commitment adjustment or recovery of improperly disbursed funds determination. ____ Yes or ____ No

What to do if you disagree

Option I

If you do not agree with the cost allocation, provide an alternative cost allocation identifying the cost(s) for the ineligible item(s). Such a cost allocation must be measurable and identified in your supporting documentation. For further information, see "Cost Allocation Guidelines for Products and Services" located in the Reference Area of the SLD Web site at: <http://www.universalservice.org/si/applicants/step06/cost-allocation-guidelines-products-services.aspx>.

Option II

If you do not agree with our eligibility assessment of your product(s)/service(s), then you may provide third party supporting documentation (e.g., vendor bill, contract, service agreement, etc.) to show why this product(s)/service(s) is eligible.

If you do not respond within 15 days, USAC will adjust your funding commitment for FRN's 1327659 & 1442837 and USAC will seek recovery of improperly disbursed funds for FRN's 1327659 & 1442837 in accordance with the cost allocation determination provided above.

Please fax or email the requested information to my attention. If you have any questions, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review. **Failure to do so may result in a commitment adjustment and/or recovery of previously disbursed funds.**

Please advise me if the Contact Person on the application(s) has changed from that on the original application. This change must include the Form 471 application number(s) and be signed by the original application's Contact Person, the original application's Authorized Person or a school official (with name and title provided).

Thank you for your cooperation and continued support of the Universal Service Program.

Best Regards,
Kenneth Stibitz
Schools and Libraries Division
Program Compliance
Voice: 973-581-5119
Fax: 973-599-6582
kstibit@sl.universalservice.org



Universal Service Administrative Company

Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER (Funding Year 2006: 07/01/2006 - 06/30/2007)

February 27, 2007

KIMBERLEY DAUTERIVE
CLARK COUNTY SCHOOL DISTRICT
2832 EAST FLAMINGO ROAD
LAS VEGAS, NV 89121-5205

Re: Form 471 Application Number: 519392
Billed Entity Number (BEN): 143411
Billed Entity FCC RN: 0011836822
Applicant's Form Identifier: 07-WAN-AY07

Thank you for your Funding Year 2006 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$1,841,272.20 is "Approved."

Please refer to the Report on the page following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file Form 486 (Receipt of Service Confirmation Form). A guide that provides a definition for each line of the Report precedes the Report.

A list of Important Reminders and Deadlines is included with this letter to assist you throughout the application process.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 519392 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2006," AND
 - The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, New Jersey 07981

While we encourage you to resolve your appeal with USAC first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

NOTICE ON RULES AND FUNDS AVAILABILITY

An applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

A GUIDE TO THE FUNDING COMMITMENT REPORT

A report for each funding request in your application is attached to this letter. We are providing the following definitions for the items in that report.

FORM 471 APPLICATION NUMBER: The unique identifier assigned to a Form 471 application by USAC.

FUNDING REQUEST NUMBER (FRN): A Funding Request Number is assigned by USAC to each Block 5 of your Form 471. This number is used to report to applicants and service providers the status of individual funding requests submitted.

FUNDING STATUS: Each FRN will have one of the following statuses:

1. "Funded" - the FRN is approved for support. The funding level will generally be the level requested unless USAC determined during the application review process that some adjustment is appropriate.
2. "Not Funded" - the FRN is one for which no funds were committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for the Funding Year was insufficient to fund all requests.
3. "As Yet Unfunded" - a temporary status assigned to an FRN when USAC is uncertain at the time the letter is sent about whether sufficient funds exist to make commitments for requests for Internal Connections Other than Basic Maintenance or Basic Maintenance of Internal Connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal Connections, you might receive a letter with funding commitments for your Telecommunications Services funding requests and with an "As Yet Unfunded" status on your Internal Connections requests. You would receive one or more subsequent letters regarding the funding decisions on your Internal Connections requests.

CATEGORY OF SERVICE: The type of service ordered from the service provider, as shown on your Form 471.

FORM 470 APPLICATION NUMBER: The Form 470 Application Number associated with this FRN from Block 5, Item 12 of the Form 471.

SPIN (Service Provider Identification Number): A unique number assigned by USAC to service providers seeking payment from the Universal Service Fund Programs. A SPIN is also used to verify delivery of services and to arrange for payment.

SERVICE PROVIDER NAME: The legal name of the service provider.

CONTRACT NUMBER: The number of the contract between the eligible party and the service provider, if a contract number was provided on your Form 471.

BILLING ACCOUNT NUMBER: The account number that your service provider has established with you for billing purposes, if a Billing Account Number was provided on your Form 471.

SERVICE START DATE: The Service Start Date for this FRN from Block 5, Item 19 of your Form 471.

CONTRACT EXPIRATION DATE: The Contract Expiration Date for this FRN from Block 5, Item 20b of your Form 471, if a contract expiration date was provided on your Form 471.

SITE IDENTIFIER: The Entity Number listed in Form 471, Block 5, Item 22a for "site specific" FRNs only.

NUMBER OF MONTHS RECURRING SERVICE PROVIDED IN FUNDING YEAR: The number of months of service that has been approved for the funding year, for recurring services.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES: Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service approved for the funding year.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES: Annual eligible non-recurring charges approved for the funding year.

PRE-DISCOUNT AMOUNT: Amount in Form 471, Block 5, Item 23I, as determined through the application review process.

DISCOUNT PERCENTAGE APPROVED BY USAC: The discount rate that USAC approved for this service.

FUNDING COMMITMENT DECISION: The total amount of funding that USAC has reserved to reimburse your service provider for the approved discounts for this service for this funding year. It is important that both you and your service provider recognize that USAC should be invoiced and that disbursement of funds will be made only for eligible, approved services actually rendered.

FUNDING COMMITMENT DECISION EXPLANATION: This entry provides an explanation of the amount in the "Funding Commitment Decision."

FCDL DATE: The date of this Funding Commitment Decision Letter (FCDL).

WAVE NUMBER: The wave number assigned to FCDLs issued on this date.

LAST ALLOWABLE DATE FOR DELIVERY AND INSTALLATION FOR NON-RECURRING SERVICES: The last date approved by the FCC for delivery and installation of eligible non-recurring services (e.g., equipment). (The last allowable date for delivery and installation of recurring services is always the last day of the fund year, that is, June 30, 2007 for Funding Year 2006.)

FUNDING COMMITMENT REPORT

Billed Entity Name: CLARK COUNTY SCHOOL DISTRICT
BEN: 143411
Funding Year: 2006

Form 471 Application Number: 519392
Funding Request Number: 1442837
Funding Status: Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 587520000369774
SPIN: 143017743
Service Provider Name: Cox Nevada Telcom, LLC
Contract Number: 2037TRN
Billing Account Number: 88291901
Service Start Date: 07/01/2006
Contract Expiration Date: 01/15/2013
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$3,068,787.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$3,068,787.00
Discount Percentage Approved by the USAC: 60%
Funding Commitment Decision: \$1,841,272.20 - FRN approved as submitted

FCDL Date: 02/27/2007

Wave Number: 045

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007



Form 472 (BEAR Form) Notification Letter

September 18, 2007

Cox Nevada Telcom, LLC
Tanisha Reed
1400 Lake Hearn Drive
Atlanta, GA 30319

Re: Form 472 Invoice Number: 808298
Service Provider Identification Number: 143017743
Applicant Form 472 Identifier: 07-WAN-4
Billed Entity Number: 143411

CLARK COUNTY SCHOOL DISTRICT
KIMBERLEY DAUTERIVE
5100 W. Sahara Ave.
LAS VEGAS, NV 89146

Preferred Mode of Contact: E-mail at kadauterive@interact.ccsd.net
Total Amount of Reimbursement Approved for Payment: \$445727.36

This letter is to notify you that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has received and accepted a Form 472 from the above named applicant listing you as the service provider. The SLD has committed to reimburse the discounted portion of the cost of eligible services provided to eligible entities pursuant to one or more Forms 471. As stated in the Form 486 Notification Letter sent to you previously, the applicant has filed a Form 486 advising the SLD that service delivery has begun. The applicant has completed this Form 472 with your assistance, seeking reimbursement of the discounted portion of bills already paid in full to you since the effective date of the discount.

The SLD has processed the Form 472. Pursuant to the Service Provider Acknowledgment page of the Form 472 which you signed, you must remit to the applicant the amount shown as "Total Amount of Reimbursement Approved for Payment" above, no later than 10 calendar days after receipt of payment of the approved discounts from USAC. You also agreed not to tender or make use of the payment of the approved discounts issued by USAC to you prior to remitting the discount to the applicant.

The USAC check should be mailed to the service provider named above within 20 calendar days of the date of this letter.

To reimburse the "Total Amount of Reimbursement Approved for Payment," to the applicant, the service provider may (1) issue a check or (2) issue a credit to the applicant. The decision as to which form the reimbursement should take should be a mutual one between the service provider and the applicant.

The maximum remaining amount available for each Funding Request Number (FRN) listed on the synopsis on the following page(s) will be the original commitment less the amount approved herein for reimbursement and less any earlier disbursements to the applicant.

PLEASE NOTE: Beginning with Funding Year 2000 (07/01/2000 - 06/30/2001), if the first payment request processed for an FRN is on a Form 472, all subsequent payment requests for that FRN must be made on a Form 472; a Form 474 (Service Provider Invoice Form) for that FRN will not be accepted.



Form 472 (BEAR Form) Notification Letter

September 18, 2007

Cox Nevada Telcom, LLC
Tanisha Reed
1400 Lake Hearn Drive
Atlanta, GA 30319

Re: Form 472 Invoice Number: 808301
Service Provider Identification Number: 143017743
Applicant Form 472 Identifier: 07-WAN-3
Billed Entity Number: 143411

CLARK COUNTY SCHOOL DISTRICT
KIMBERLEY DAUTERIVE
5100 W. Sahara Ave.
LAS VEGAS, NV 89146

Preferred Mode of Contact: E-mail at kadauterive@interact.ccsd.net
Total Amount of Reimbursement Approved for Payment: \$468248.03

This letter is to notify you that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has received and accepted a Form 472 from the above named applicant listing you as the service provider. The SLD has committed to reimburse the discounted portion of the cost of eligible services provided to eligible entities pursuant to one or more Forms 471. As stated in the Form 486 Notification Letter sent to you previously, the applicant has filed a Form 486 advising the SLD that service delivery has begun. The applicant has completed this Form 472 with your assistance, seeking reimbursement of the discounted portion of bills already paid in full to you since the effective date of the discount.

The SLD has processed the Form 472. Pursuant to the Service Provider Acknowledgment page of the Form 472 which you signed, you must remit to the applicant the amount shown as "Total Amount of Reimbursement Approved for Payment" above, no later than 10 calendar days after receipt of payment of the approved discounts from USAC. You also agreed not to tender or make use of the payment of the approved discounts issued by USAC to you prior to remitting the discount to the applicant.

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PLEASE NOTE: Beginning with Funding Year 2000 (07/01/2000 - 06/30/2001), if the first payment request processed for an FRN is on a Form 472, all subsequent payment requests for that FRN must be made on a Form 472; a Form 474 (Service Provider Invoice Form) for that FRN will not be accepted.



Schools and Libraries Division

Form 472 (BEAR Form) Notification Letter

September 18, 2007

Cox Nevada Telcom, LLC
Tanisha Reed
1400 Lake Hearn Drive
Atlanta, GA 30319

Re: Form 472 Invoice Number: 808304
Service Provider Identification Number: 143017743
Applicant Form 472 Identifier: 07-WAN-2
Billed Entity Number: 143411

CLARK COUNTY SCHOOL DISTRICT
KIMBERLEY DAUTERIVE
5100 W. Sahara Ave.
LAS VEGAS, NV 89146

Preferred Mode of Contact: E-mail at kadauterive@interact.ccsd.net
Total Amount of Reimbursement Approved for Payment: \$471451.95

This letter is to notify you that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has received and accepted a Form 472 from the above named applicant listing you as the service provider. The SLD has committed to reimburse the discounted portion of the cost of eligible services provided to eligible entities pursuant to one or more Forms 471. As stated in the Form 486 Notification Letter sent to you previously, the applicant has filed a Form 486 advising the SLD that service delivery has begun. The applicant has completed this Form 472 with your assistance, seeking reimbursement of the discounted portion of bills already paid in full to you since the effective date of the discount.

The SLD has processed the Form 472. Pursuant to the Service Provider Acknowledgment page of the Form 472 which you signed, you must remit to the applicant the amount shown as "Total Amount of Reimbursement Approved for Payment" above, no later than 10 calendar days after receipt of payment of the approved discounts from USAC. You also agreed not to tender or make use of the payment of the approved discounts issued by USAC to you prior to remitting the discount to the applicant.

The USAC check should be mailed to the service provider named above within 20 calendar days of the date of this letter.

To reimburse the "Total Amount of Reimbursement Approved for Payment," to the applicant, the service provider may (1) issue a check or (2) issue a credit to the applicant. The decision as to which form the reimbursement should take should be a mutual one between the service provider and the applicant.

The maximum remaining amount available for each Funding Request Number (ERN) listed on the synopsis on the following page(s) will be the original commitment less the amount approved herein for reimbursement and less any earlier disbursements to the applicant.

PLEASE NOTE: Beginning with Funding Year 2000 (07/01/2000 - 06/30/2001), if the first payment request processed for an ERN is on a Form 472, all subsequent payment requests for that ERN must be made on a Form 472; a Form 474 (Service Provider Invoice Form) for that ERN will not be accepted.



Form 472 (BEAR Form) Notification Letter

September 18, 2007

Cox Nevada Telcom, LLC
Tanisha Reed
1400 Lake Hearn Drive
Atlanta, GA 30319

Re: Form 472 Invoice Number: 808307
Service Provider Identification Number: 143017743
Applicant Form 472 Identifier: 07-WAN-1
Billed Entity Number: 143411

CLARK COUNTY SCHOOL DISTRICT
KIMBERLEY DAUTERIVE
5100 W. Sahara Ave.
LAS VEGAS, NV 89146

Preferred Mode of Contact: E-mail at kadauterive@interact.ccsd.net
Total Amount of Reimbursement Approved for Payment: \$455844.86

This letter is to notify you that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has received and accepted a Form 472 from the above named applicant listing you as the service provider. The SLD has committed to reimburse the discounted portion of the cost of eligible services provided to eligible entities pursuant to one or more Forms 471. As stated in the Form 486 Notification Letter sent to you previously, the applicant has filed a Form 486 advising the SLD that service delivery has begun. The applicant has completed this Form 472 with your assistance, seeking reimbursement of the discounted portion of bills already paid in full to you since the effective date of the discount.

The SLD has processed the Form 472. Pursuant to the Service Provider Acknowledgment page of the Form 472 which you signed, you must remit to the applicant the amount shown as "Total Amount of Reimbursement Approved for Payment" above, no later than 10 calendar days after receipt of payment of the approved discounts from USAC. You also agreed not to tender or make use of the payment of the approved discounts issued by USAC to you prior to remitting the discount to the applicant.

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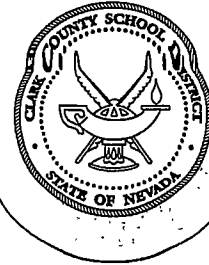
CC DOCKET NO. 96- 45¹

SERVICE	ELEMENT/DESCRIPTION	ELIGIBLE YES/NO
MISCELLANEOUS		
The service category for entries in this section should reflect the same category as the product or service being installed or maintained—Telecommunications Services, Internet Access, or Internal Connections		
Bid Bond	A bid bond is generally obtained by a vendor or contractor from a third party and guarantees the terms of the contract or agreement are met. In the event of default or failure to meet the terms, the bond would be used to complete the contracted work.	No
Cable TV Access	Video services are eligible only if provided as a commercially available Telecommunications Service. Cable providers are not normally considered providers of Telecommunications Services.	No
Construction Costs	Construction costs, e.g., the removal, creation, repair, or replacement of walls and doorways, are not eligible, with the exception that construction incidental to component installation, that restores a facility to pre-installation conditions, is eligible. Asbestos removal is not eligible.	Conditional
Contingency Fees	In cases in which the scope of the work make it difficult to determine the specific costs beforehand, a service provider may include a reasonable contingency fee, but only if it is a regular business practice of the service provider.	Conditional
Dark Fiber (excess capacity) (provided by service provider but "lit" by applicant)	Dark fiber refers to fiber optic cable that is unused, or "dark." Capital costs for transmission capability that does not have a direct and immediate use by eligible applicants are not eligible. Service providers can lease fiber capacity that does not include modulating electronics to schools or libraries, if the applicant provides the electronics to modulate the fiber. The lease of such fiber cable for obtaining Telecommunications Services or Internet Access is eligible, if the applicant's electronics are located solely at eligible school or library sites, and if the conditions apply that are described under the heading "Wide Area Network" in the relevant section (Telecommunications Services or Internet Access).	Conditional
Extended Warranty	Extended warranties are those that cover periods of time outside the current funding year. Extended or multi-year warranties must be prorated so only the portion of the warranty applicable to the current funding year is funded. If a multi-year warranty is included in the price of the equipment for all customers without a separately identified cost, proration is not required.	Conditional
Finance Charges	Finance charges assessed by third party entities for loans to fund the lease or purchase by applicants of items that would normally be eligible for funding are not eligible.	No

MISCELLANEOUS

The service category for entries in this section should reflect the same category as the product or service being installed or maintained—Telecommunications Services, Internet Access, or Internal Connections

SERVICE	ELEMENT/DESCRIPTION	ELIGIBILITY
Cable TV Access	Video services are eligible only if provided as a commercially available Telecommunications Service. Cable providers are not considered providers of Telecommunications Services.	Not eligible
Change Fees	Change fees for costs incurred in modifying an existing eligible service to another eligible service are eligible. Costs to terminate a service are not eligible.	
Configuration Charges	Charges for the configuration of eligible hardware and software are eligible.	
Construction Costs	Construction costs, e.g., the removal, creation, repair, or replacement of walls and doorways, generally are not eligible. However , construction incidental to component installation, that restores a facility to pre-installation conditions, is eligible. Asbestos removal is not eligible.	
Contingency Fees	In cases in which the scope of the work make it difficult to determine the specific costs beforehand, a service provider may include a reasonable contingency fee, but such a contingency fee is eligible only if it is a regular business practice of the service provider.	
Dark Fiber (excess capacity) (provided by service provider but "lit" by applicant)	Dark fiber refers to fiber optic cable that is unused, or "dark." Capital costs for transmission capability that does not have a direct and immediate use by eligible applicants are not eligible. Service providers can lease fiber capacity that does not include modulating electronics to schools or libraries, if the applicant provides the electronics to modulate the fiber. The lease of such fiber cable for obtaining Telecommunications Services or Internet Access is eligible, if the applicant's electronics are located solely at eligible school or library sites, and if the conditions apply that are described under the heading "Wide Area Network" in the relevant section (Telecommunications Services or Internet Access).	
Extended Warranty	Extended warranties are those that cover periods of time both within and outside the current funding year. Eligibility is limited only to that portion of the warranty within the current funding year. Extended or multi-year warranties must be prorated so only the portion of the warranty applicable to the current funding year is funded. If a multi-year warranty is included in the price of the equipment for all customers without a separately identified cost, proration is not required.	
Finance or Interest Charges	Finance or interest charges assessed for loans to fund the lease or purchase of products or services are not eligible.	Not Eligible



CLARK COUNTY SCHOOL DISTRICT

2832 EAST FLAMINGO ROAD LAS VEGAS, NEVADA 89121 TELEPHONE (702) 799-5011

September 15, 2004

Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554

CC Docket No. 02-6

Dear Sir or Madam:

BOARD OF SCHOOL TRUSTEES

Mrs. Susan C. Brager-Wellman, President
Mr. Larry P. Mason, Vice President
Mrs. Mary Beth Scow, Clerk
Mrs. Shirley C. Barber, Member
Mrs. Ruth L. Johnson, Member
Mrs. Sheila R. Moulton, Member
Mrs. Denise M. Brodsky, Member
Mr. Carlos Arturo Garcia, Superintendent

We are appealing The Universal Service Administrative Company, Schools and Libraries Division (SLD) decision on August 3rd, 2004 of Form 471 Application #423200 for the Funding Year 2004 (July 1, 2004 to June 30, 2005) for Clark County School District, BEN# 143411.

The description on the Funding Commitment Letter stated, "30% or more of this FRN is for dark fiber service to which is ineligible based on program rules." The Clark County School District is requesting funds for fiber optic cable for the Wide Area Network (WAN), which is consistent with the overall networking plan the district has developed and implemented over the past five years based on the SLD's previous rules and regulations and prior approval.

The current request is for continued operation of the sites on the WAN previously approved by SLD, as well as new sites added due to the districts growth and the remaining sites to complete the network. A brief background of previously approved requests is provided below:

- The SLD first approved a submission based on the SLD requirements for the 7/01/01 - 06/30/02 award year (attached is the funding commitment letter) in the amount of \$56,232.00. To receive this approval the district was required to begin the submission process in 2000. This required the district to begin planning, based on SLD guidelines, in 1999.
- SLD approved identical design and requirements for the 7/01/02-6/30/03 award year (attached is the funding commitment letter) in the amount of \$1,446,444.00.
- It must be emphasized that the SLD not only approved the identical submission for the third consecutive time for the 7/01/03-6/30/04 award period (attached is the funding commitment letter) in the amount of \$1,497,420.00, but this award was for the approval of 235 sites (more than 80% of the completed network.)

In evaluating the district's WAN submission, the following points must be noted. First, based on the previous SLD guidelines and approvals, the district has committed over \$40 million of its own funds to develop and implement a high bandwidth network to support its telecommunications needs for the foreseeable future. The network is near completion and is simply too far along to be changed at this point. Second, failure to approve the current and future submissions based on guidelines after the district had committed to a previously approved direction will result in the district losing between \$1.6 and \$2.0 million annually in E-Rate discounts (approximately \$15 to \$20 million over the remaining life of our contract) for the lease of the fiber optic cable.

September 15, 2004

Many hours of research and development went into the WAN and it is an integral part of Clark County School District's Technology Plan. Since SLD has approved the District's WAN as a telecommunication service for the past three years, and in reliance on those approvals the District has continue to expand its network, we are respectfully requesting approval of this year's application as a telecommunication service.

Additionally, the District's contract with Cox Nevada Telecomm, an eligible telecomm provider, states, "It is understood that SUPPLIER shall provide and install fiber optic cable for a leased Wide Area Network as required by the district." Therefore, based upon this contract, the service the school district can use the fiber optic cable for is an eligible Wide Area Network. Under the current Schools and Libraries Eligibility list, WAN is an eligible telecommunication service. Therefore, because Clark County School District uses the leased fiber optic as its telecommunication service, and is restricted by contract to be a telecommunication service, it should be E-RATE eligible.

In summary, the Clark County School District has made a good faith effort to follow the e-rate guidelines since 1999 and, more important, based its decisions on published guidelines, eligibility list, and prior SLD approvals. For the SLD to change rules mid-stream and deny approval has the potential to cause substantial financial hardship at a time when the public is demanding increased fiscal responsibility and accountability.

If you need additional information or have additional questions please contact, Darla Sommermeyer 2832 E Flamingo, Las Vegas, NV 89121-5205, fax number 702-799-5396, email address sommed@gw.ccsd.net or by phone at 702-799-5338 extension 5413.

Sincerely,



Walt Rulffes
Deputy Superintendent/Chief Financial Officer



COX NV TELCOM
\$1,497,420.00
Universal Service Administrative Company
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER

(Funding Year 2003: 07/01/2003 - 06/30/2004)

May 27, 2003

CLARK COUNTY SCHOOL DISTRICT
BRUCE DALEY
2832 EAST FLAMINGO ROAD
LAS VEGAS, NV 89121-5205

Re: Form 471 Application Number: 341675
Funding Year 2003: 07/01/2003 - 06/30/2004
Billed Entity Number: 143411
Applicant's Form Identifier: 7-2003

Thank you for your Funding Year 2003 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$1,497,420.00 is "Approved".

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

NEW FOR FUNDING YEAR 2003

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

NEXT STEPS

- Review technology planning requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service providers) or Form 472 (Billed Entity)

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) upon the filing of your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be RECEIVED BY THE SCHOOLS AND LIBRARIES DIVISION (SLD) WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Funding Commitment

Decision Letter (FCDL) you are appealing. Indicate the relevant funding year and the date of the FCDL. Your letter of appeal must also include the applicant name, the Form 471 Application Number, and the Billed Entity Number from the top of your letter.

3. When explaining your appeal, copy the language or text from the funding synopsis that is at the heart of your appeal, to allow the SLD to more readily understand and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options to expedite filing your appeal.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be RECEIVED BY THE FCC WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options because of continued substantial delays in mail delivery to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that the SLD and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

A GUIDE TO THE FUNDING COMMITMENT REPORT

A report for each E-rate funding request from your application is attached to this letter. We are providing the following definitions for the items in that report.

FORM 471 APPLICATION NUMBER: The unique identifier assigned to a Form 471 application by the SLD.

FUNDING REQUEST NUMBER (FRN): A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to Applicants and Service Providers the status of individual discount funding requests submitted on a Form 471.

FUNDING STATUS: Each FRN will have one of the following definitions:

1. An FRN that is "Funded" will be approved at the level that the SLD determined is appropriate for that item. The funding level will generally be the level requested unless the SLD determines during the application review process that some adjustment is appropriate.
2. An FRN that is "Not Funded" is one for which no funds will be committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision," and amplification of that explanation may be offered in the section, "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for this Funding Year was insufficient to fund all requests.
3. An FRN that is "As Yet Unfunded" reflects a temporary status that is assigned to an FRN when the SLD is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for requests for Internal Connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal Connections, you might receive a letter with funding commitments for your Telecommunications Services funding requests and a message that your Internal Connections requests are "As Yet Unfunded." You would receive one or more subsequent letters regarding the funding decision on your Internal Connections requests.

SERVICES ORDERED: The type of service ordered from the service provider, as shown on Form 471.

SPIN (Service Provider Identification Number): A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support mechanisms. A SPIN is also used to verify delivery of services and to arrange for payment.

SERVICE PROVIDER NAME: The legal name of the service provider.

CONTRACT NUMBER: The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on Form 471.

BILLING ACCOUNT NUMBER: The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on Form 471.

EARLIEST POSSIBLE EFFECTIVE DATE OF DISCOUNT: The first possible date of service for which the SLD will reimburse service providers for the discounts for the service.

CONTRACT EXPIRATION DATE: The date the contract expires. This will be present only if a contract expiration date was provided on Form 471.

SITE IDENTIFIER: The Entity Number listed in Form 471, Block 5, Item 22a will be listed. This will appear only for "site specific" FRNs.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES: Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service provided in the funding year.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES: Annual eligible non-recurring charges approved for the funding year.

PRE-DISCOUNT AMOUNT: Amount in Form 471, Block 5, Item 23I, as determined through the application review process.

DISCOUNT PERCENTAGE APPROVED BY THE SLD: This is the discount rate that the SLD has approved for this service.

FUNDING COMMITMENT DECISION: This represents the total amount of funding that the SLD has reserved to reimburse service providers for the approved discounts for this service for this funding year. It is important that you and the service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts only for eligible, approved services actually rendered.

FUNDING COMMITMENT DECISION EXPLANATION: This entry may amplify the comments in the "Funding Commitment Decision" area.

IMPORTANT REMINDERS & DEADLINES

The following information is provided to assist you throughout the application process. We recommend that you keep it in an easily accessible location and that you share it with the appropriate members of your organization.

FORM 486 DEADLINE - The Form 486 must be postmarked no later than 120 days after the Service Start Date you report on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later. If you are required to have a Technology Plan, you must indicate the SLD Certified Technology Approver who approved your plan and you must retain documentation of your monitoring of the progress toward your stated goals.

CHILDREN'S INTERNET PROTECTION ACT (CIPA) - If FY2003 is your Third Funding Year for the purposes of CIPA and you apply for Internet Access or Internal Connections, you must be in compliance with CIPA and cannot request a waiver. The Supreme Court may issue an opinion in July 2003 changing the CIPA requirements - watch the SLD web site.

INVOICE DEADLINE - Invoices must be postmarked no later than 120 days after the last date to receive service - including extensions - or 120 days after the date of the Form 486 Notification Letter, whichever is later. Invoices should not be submitted until the invoiced products and services have been delivered and billed, and (for BEAR Forms) the provider has been paid.

OBLIGATION TO PAY NON-DISCOUNT PORTION - Applicants are required to pay the non-discount portion of the cost of the products and/or services. Service providers are required to bill applicants for the non-discount portion. The FCC has stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If you are using a trade-in as part of your non-discount portion, please refer to the SLD web site.

RETAIN DOCUMENTATION - Applicants and service providers must retain documentation, including but not limited to, documents showing:

- compliance with all applicable competitive bidding requirements,
- products and/or services delivered (e.g., customer bills detailing make, model and serial number),
- resources necessary to make effective use of E-rate discounts, including the purchase of equipment such as workstations not eligible for support,
- the specific location of each item of E-rate funded equipment, and
- the applicant has paid the non-discount portion.

These documents must be retained and available for review for 5 years.

FREE SERVICES ADVISORY - Applicants and service providers are prohibited from using the Schools and Libraries Support Mechanism to subsidize the procurement of ineligible or unrequested products and services, or from participating in arrangements that have the effect of providing a discount level to applicants greater than that to which applicants are entitled.

Complete program information is posted to the Schools and Libraries Division (SLD) web site at www.sl.universalservice.org. Information is also available by contacting the SLD Client Service Bureau by e-mail at question@universalservice.org, by fax at 1-888-276-8736 or by phone at 1-888-203-8100.

FUNDING COMMITMENT REPORT

Form 471 Application Number: 341675
Funding Request Number: 965209 Funding Status: Funded
Services Ordered: Telecommunications Service
SPIN: 143017743 Service Provider Name: Cox Nevada Telcom, LLC dba Cox
Contract Number: 2037 TRN
Billing Account Number: 1
Earliest Possible Effective Date of Discount: 07/01/2003
Contract Expiration Date: 01/15/2013
Annual Pre-discount Amount for Eligible Recurring Charges: \$2,495,700.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$2,495,700.00
Discount Percentage Approved by the SLD: 60%
Funding Commitment Decision: \$1,497,420.00 - FRN approved; modified by SLD
Funding Commitment Decision Explanation: The shared discount was corrected.



Universal Service Administrative Company
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER

(Funding Year 2002: 07/01/2002 - 06/30/2003)

June 17, 2002

CLARK COUNTY SCHOOL DISTRICT
BRUCE DALEY
2832 EAST FLAMINGO ROAD
LAS VEGAS, NV 89121

Re: Form 471 Application Number: 329332
Funding Year 2002: 07/01/2002 - 06/30/2003
Billed Entity Number: 143411
Applicant's Form Identifier: 7-2002

Thank you for your Funding Year 2002 E-rate application and for any assistance you provided throughout our review. We have completed review of your Form 471. This letter is to advise you of our decision(s).

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. We have reviewed each Discount Funding Request on your Form 471 application and have assigned a Funding Request Number (FRN) to each Block 5. The enclosed report includes a list of the FRNs from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) upon the filing of your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

NEXT STEPS

FILE FORM 486. Once you have reviewed this letter and have determined that some or all of your requests have been funded, your next step to facilitate receipt of discounts as featured in this letter will be to file an FCC Form 486 with the SLD. The Form 486 notifies the SLD to begin payment to your service provider and provides certified indication that your technology plan(s) has been approved by an SLD certified Technology Plan Approver. The Form 486 and instructions and the list of SLD certified Technology Plan Approvers can be found on the SLD web site at <www.sl.universalservice.org> or you can call the SLD Client Service Bureau at 1-888-203-8100 and ask that the form be sent to you. The Form 486 dated July, 2001 in the lower right corner MUST be used for Funding Year 2002 and for any previous funding years. Submissions of earlier versions of the Form 486 will be returned to you and will not be able to be processed. As you complete Form 486, you should also contact your service provider to verify they have received notice from the SLD of your funding commitments. After the SLD processes your Form 486, we can process invoices for services that have been provided to you.

DEADLINE FOR FORM 486. Form 486 must be postmarked within 120 days of the Service Start Date featured on the Form 486 or within 120 days of the date of the Funding Commitment Decision Letter, whichever is later. If the Form 486 is postmarked after the later of those two dates, the date 120 days before the Form 486 postmark date will become the start date for discounted services. If the service start date is moved, your funding commitment may be reduced. You are advised to keep proof of the date of mailing of your form(s).

FCC
2002

REVIEW CIPA REQUIREMENTS. On December 21, 2000, the Children's Internet Protection Act (CIPA) was signed into law. That law requires schools and libraries that receive Universal Service discounts for certain services to adopt an Internet safety policy incorporating the use of filtering or blocking technology on computers with Internet access as a condition of receiving those discounts. Funding Year 2002 may be the Second Funding Year for purposes of CIPA for one or more schools and/or libraries represented on your Form 486. (Funding Year 2002 is the Second Funding Year for purposes of CIPA for a school or library if a Form 486 for Internet access or internal connections was successfully data entered for Funding Year 2001. See the section of the Form 486 Instructions entitled "Impact of CIPA Requirements on Form 486" for more information on First, Second and Third Funding Years.) If Funding Year 2002 is the Second Funding Year for purposes of CIPA for one or more schools and/or libraries represented on your Form 486, those school(s) and/or library(ies) must certify that they are in compliance with CIPA unless state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required. A school or library so prevented may request a waiver for Funding Year 2002. Certification(s) for purposes of CIPA and CIPA waiver request(s) must be made on the Form 486 or the Form 479, whichever is appropriate. See the Form 486 Instructions and the Form 479 Instructions for more information. You may also refer to the SLD web site at <www.sl.universalservice.org> or call the Client Service Bureau at 1-888-203-8100 for more information about Form 486, Form 479, and the requirements of CIPA.

FILE FORM 472 (APPLICANT) or FORM 474 (SERVICE PROVIDER). After a Form 486 has been properly filed, the SLD must receive an invoice from either the applicant or the service provider in order to make payments for approved discounts on eligible services. Form 472, Billed Entity Applicant Reimbursement (BEAR) Form, is filed by the applicant; Form 474, Service Provider Invoice Form, is filed by the service provider.

NEW DEADLINES FOR INVOICES. Invoices must be postmarked within 90 days of the last date to receive service or within 90 days of the date of the Form 486 Notification Letter, whichever is later. If an invoice is postmarked after the later of those two dates, payment will be denied.

TO APPEAL THESE FUNDING COMMITMENT DECISIONS

If you wish to appeal the Funding Commitment Decision(s) (FCD) indicated in this letter, your appeal must be RECEIVED BY THE SCHOOLS AND LIBRARIES DIVISION (SLD) WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which FCD Letter you are appealing. Indicate the relevant funding year and the date of the Funding Commitment Decision Letter. Your letter of appeal must also include the applicant name, the Form 471 Application Number, and the Billed Entity Number from the top of your FCD Letter.
3. Identify the particular Funding Request Number (FRN) that is the subject of your appeal. When explaining your appeal, include the precise language or text from the Funding Commitment Decision Letter that is at the heart of your appeal. By pointing us to the exact words that give rise to your appeal, the SLD will be able to more readily understand and respond appropriately to your appeal. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket Nos. 96-45 and 97-21 on the first page of your appeal to the FCC. Your appeal must be RECEIVED BY THE FCC WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options because of continued substantial delays in mail delivery.